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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/829,394	04/22/2004	Issei Harima	740630-77	5422
22204	7590 09/28/2005		EXAMINER	
NIXON PEABODY, LLP			COLETTA, LORI L	
401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			ART UNIT PAPER NUMBE	
			3612	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/829,394	HARIMA ET AL.				
Office Action Summary	Examiner	Art Unit				
	Lori L. Coletta	3612				
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the o	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION  (36(a). In no event, however, may a reply be tirwill apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 22 A	<u>pril 2004</u> .					
2a) ☐ This action is <b>FINAL</b> . 2b) ☐ This	This action is <b>FINAL</b> . 2b) This action is non-final.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
Disposition of Claims						
4) ⊠ Claim(s) <u>1-16</u> is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) <u>1-16</u> are subject to restriction and/or	wn from consideration.	·				
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	cepted or b) objected to by the drawing(s) be held in abeyance. Se tion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the prio application from the International Burea * See the attached detailed Office action for a list	ts have been received. ts have been received in Applicat onty documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s)  1)   Notice of References Cited (RTO, 802)	. 4) 🗖 Intention Com	(PTO 413)				
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date</li> </ol>	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:					

Art Unit: 3612

## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Figures 1-5.

Species II: Figure 6.

Species III: Figure 7.

Species IV: Figure 8.

Species V: Figures 9-11.

Species VI: Figure 12.

Species VII: Figure 13.

Species VIII: Figure 14.

Species IX: Figure 15.

Species X: Figure 16.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Art Unit: 3612

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. A telephone call was made to Donald R. Studebaker on September 23, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Application/Control Number: 10/829,394

Art Unit: 3612

Page 4

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is 571-272-6658.

The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Loui L. Coletta

Lori L. Coletta Primary Examiner Art Unit 3612

llc

September 23, 2005